



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

EXECUTIVE DIVISION
OFFICE OF FEDERAL INITIATIVES

March 18, 2022

By ECF

Honorable Brenda K. Sannes
United States District Judge
United States District Court
Northern District of New York
P.O. Box 7336
Syracuse, NY 13261

RE: *Trump v. James*, NDNY No. 21 Civ. 1352 (BKS)(CFH);
Notice of supplemental authority

Dear Judge Sannes,

The Office of the Attorney General (“OAG”) represents Defendant, Attorney General Letitia James, in the above-captioned case. We write in connection with Defendant’s pending motion to dismiss the complaint (Dkt. No. 14) to provide the Court with notice of supplemental authority: the recent Second Circuit decision in *Exxon Mobil Corp. v. Healey*, No. 18-1170. As the Court is aware, on page 27 of its brief, OAG cited to Judge Caproni’s decision for her finding that then-AG Schneiderman’s public statements about Exxon provided no basis to infer improper purpose, other than to suggest that the AG believed an investigation was justified. (Dkt. No. 15). In its appellate review, the Second Circuit declined Exxon’s request for a *Munsingwear* vacatur, leaving intact the decision of Judge Caproni’s cited in OAG’s papers. A copy of the Second Circuit decision in *Exxon Mobil Corp. v. Healey* is accessible on Westlaw at No. 18-1170, 2022 WL 774516 (2d Cir. Mar. 15, 2022).

Respectfully submitted,

/s/ Colleen K. Faherty
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